

ORDINANCE NO. 09-23

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW AN OVERSIZED CARPORT WITH 616 SQUARE FEET IN TOTAL FLOOR AREA, WHERE A MAXIMUM OF 400 FEET IS ALLOWED; ALLOW A WEST SIDE SETBACK OF 6.20 FEET, WHERE 7 FEET ARE REQUIRED, FOR THE EXISTING OVERSIZED CARPORT; AND TO ALLOW AN EAST SIDE SETBACK OF 6.92 FEET, WHERE 7 FEET ARE REQUIRED, FOR THE MAIN RESIDENCE, CONTRA TO HIALEAH CODE §§ 98-501 AND 98-1669. **PROPERTY LOCATED AT 264 WEST 64 TERRACE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 25, 2009 recommended approval of this ordinance; and

WHEREAS, the petitioner proffers to legalize the carport and keep it open on all three sides at all times, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The below-described property is hereby granted a variance permit to allow an oversized carport with 616 square feet in total floor area, where a maximum of 400 square feet is allowed, to allow a west side setback of 6.20 feet, where 7 feet are

required, for the existing oversized carport, and to allow an east side setback of 6.92 feet, where 7 feet are required, for the main residence, contra to Hialeah Code §§ 98-501 and 98-1669, which provide in pertinent part: “ There shall be side yards , the width of each to be not less than ten percent of the average width of the lot” and “No such carport shall ...contain floor space greater than 400 square feet in area”in no event shall the accessory structure of building exceed 500 square feet in floor area.”, respectively. Property located at 264 West 64 Terrace, Hialeah, Miami-Dade County, Florida, zoned R-1 (One Family District), and legally described as follows:

LOT 5, IN BLOCK 5, OF LOVELL PARK, ACCORDING
TO THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK 64, PAGE 135, OF THE PUBLIC RECORDS OF
MIAMI-DADE COUNTY, FLORIDA.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.


This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 24th day of March, 2009.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:

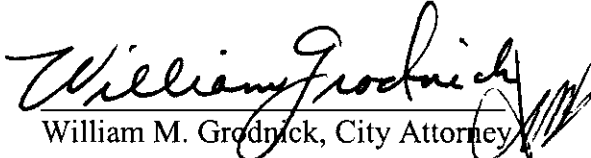
Approved on this 26 day of March, 2009.


Rafael E. Granado, City Clerk


Carlos Hernandez
Council President


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".